

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FRANCIS AMODU SMITH

v.

CHARLES DAWSON OSBORNE, ET AL.

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Civil Action No. 4:18-CV-906

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 18, 2019, the report of the Magistrate Judge (Dkt. #22) was entered containing proposed findings of fact and recommendations that Defendants the United States of America, the United States Postal Service, the United States Department of Homeland Security, the United States Department of Justice, the Attorney General, and United States Attorney Joseph D. Brown's (collectively, the "Federal Defendants") Motion to Dismiss for Lack of Subject Matter Jurisdiction Under Rule 12(b)(1) and for Failure to State a Claim under Rule 12(b)(6) (Dkt. #10) and Defendant Stephanie Berry's Motions Pursuant to Rule 12 (Dkt. #19) each be granted, that Plaintiff's "Emergency Application for Relief by Temporary Restraining Order, Preliminary Injunction, Declaratory Relief, Damages, and Original Verified Complaint" (Dkt. #4) be denied, and that Plaintiff's claims be dismissed with prejudice.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that the Federal Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction Under Rule 12(b)(1) and for Failure to State a Claim under Rule

12(b)(6) (Dkt. #10) and Defendant Berry's Motions Pursuant to Rule 12 (Dkt. #19) are each **GRANTED** and Plaintiff's claims are hereby **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff's "Emergency Application for Relief by Temporary Restraining Order, Preliminary Injunction, Declaratory Relief, Damages, and Original Verified Complaint" (Dkt. #4) is **DENIED**.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 12th day of September, 2019.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE